

HOUSE BILL 1723

By Casada

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to K-12 instructional materials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-7003, is amended by deleting the section and substituting instead the following:

(a) Each LEA shall adopt a policy on the inspection of school instructional materials by parents and legal guardians of students enrolled in the LEA.

(b) The policy required under subsection (a) must:

(1) Provide that a parent or legal guardian is entitled to inspect all teaching materials, instructional materials, and other teaching aids used in the classroom of the parent's or legal guardian's student, as well as the tests that are developed and graded by a teacher of the parent's or legal guardian's student;

(2) Allow a student's parent or legal guardian to check out from the student's school one (1) set of the instructional materials used in the classroom of the parent's or legal guardian's student for a period of no less than forty-eight (48) hours to allow the parent or legal guardian to inspect the materials; and

(3) Require a parent or legal guardian who checks out instructional materials from a school to execute a document in which:

(A) The parent or legal guardian is advised of:

(i) Copyright protections applicable to the instructional materials, including information regarding copyright infringement and the penalties associated with copyright infringement;

(ii) The fees and costs that may be charged by the school to the parent or legal guardian for instructional materials checked out by the parent or legal guardian that are not timely returned to the school, or that are returned to the school in an incomplete, unusable, or damaged condition; and

(iii) The LEA's ability to withhold the grade cards, diplomas, certificates of progress, or transcripts of the parent's or legal guardian's student if any fees or costs charged by the school pursuant to subsection (c) are not paid; and

(B) The parent or legal guardian:

(i) Attests to receiving the information required in subdivision (b)(3)(A); and

(ii) Agrees to comply with all copyright protections applicable to the instructional materials and to timely return the instructional materials to the school in the same quantity and condition the materials were in at the time the materials were checked out from the school by the parent or legal guardian.

(c)

(1) An LEA may authorize the LEA's schools to charge a parent or legal guardian who checks out instructional materials from the school:

(A) A reasonable fee for the parent's or legal guardian's failure to timely return the instructional materials to the school; and

(B) The costs necessary to repair or replace instructional materials that are not returned to the school, or that are returned to the school in an incomplete, unusable, or damaged condition. For purposes

of this subdivision (c)(1)(B), a school may consider instructional materials damaged if the materials are not in the same condition the materials were in at the time the materials were checked out from the school by the parent or legal guardian.

(2) Fees or costs charged to a student's parent or legal guardian pursuant to this subsection (c) constitute a debt owed to the LEA. The LEA may withhold the grade cards, diplomas, certificates of progress, or transcripts of the parent's or legal guardian's student until the debt is satisfied.

(d) Each LEA shall file the LEA's policy on the inspection of school instructional materials by parents and legal guardians of students enrolled in the LEA in the LEA's official operating policy pamphlet.

(e) An LEA shall make all teaching materials, including handouts, readily available for inspection upon the request of a student's parent or legal guardian.

SECTION 2. For purposes of revising an LEA's policy on the inspection of school instructional materials by parents and legal guardians of students enrolled in the LEA, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it, and applies to the 2022-2023 school year and each school year thereafter.